

TOWN OF MANSFIELD
Joint Meeting of Ethics Board & Personnel Committee
Thursday, January 7, 2010
Audrey Beck Municipal Building, Conference Room B
4:30pm

Minutes

As Adopted by Ethics Board at their 2/4/10 meeting

Ethics Board Members Present: Lena Barry, Nancy Cox (Chair), David Ferrero, Saul Nesselroth, Mike Sikoski, Win Smith, Nora Stevens

Personnel Committee Members Present: Gregg Haddad (Chair), Peter Kochenburger, Christopher Paulhus, Elizabeth Paterson (Mayor, ex-officio member)

Staff Present: Maria Capriola, Assistant to Town Manager

I. DISCUSSION OF ETHICS BOARD'S RECOMMENDED REVISIONS TO ETHICS CODE

Members of the Personnel Committee made inquiries regarding the recommendations presented by the Ethics Board as follows:

- What was the basis, research for the recommended revisions (Kochenburger)?
 - Board responded that they reviewed model codes and reviewed the 2004 study conducted by Common Cause regarding ethics codes in Connecticut. The Personnel Committee requested Ms. Capriola to provide the Committee copies of the "model code," state work group municipal model code, and the 2004 study conducted by Common Cause.
- Should the Board adopt interpretive (gloss) commentary (Kochenburger)?
 - Board responded that the intent was to create a clean, simple document tailored to Mansfield's needs. An interpretive gloss is something that can be considered.
- Section 25-1 and 25-2 – no discussion.
- Section 25-3
 - 25-3E – Does the immediate family definition extend to a brother or sister who does not reside with an official or employee (Haddad)? Would recommend making the definition into two sentences.
 - Board responded "yes."
 - 25-3C – Should "substantial segment" be defined (Kochenburger)?
 - Board responded by describing intent of language; public benefit v. direct personal benefit.
 - 25-3F – The definition of "financial sense" is clear, but "personal sense" is not. What would be an example of an indirect or direct personal benefit that is not also a financial benefit? Is "personal sense" needed (Haddad)?
 - Board responded that it had attended training after it had submitted its recommendations to the Personnel Committee. In that training, it was recommended that any reference to "personal sense" be removed from codes of ethics. No member was able to think of an example of an indirect or direct personal benefit that would not also fall under "financial sense."
 - 25-3G – The sentence on court officials can be removed since probate officials are state employees.

- 25-3H – Many council members and elected officials are current or retired employees of the State of Connecticut, including the University of Connecticut. What guidance can the Board give to council members and elected officials who are employed by the state? When would recusal be appropriate (Haddad)?
 - Board reviewed the proposed language on recusal. The Board can also issue an advisory opinion on this issue for clarification. Mr. Kochenburger stated that very few state employees can be considered to have an ownership interest in the state and perhaps that can be part of the discussion. Mr. Haddad requested Ms. Capriola to inquire with the State as to cases, guidelines, etc. they may have on similar matters.
- Section 25-4
 - 25-4A – Insert the word “requests” in last sentence (Kochenburger).
 - 25-4B(3) – Review of appearances. Last sentence needs to be reviewed to ensure that the first amendment is not violated (Haddad & Kochenburger).
 - Board responded that people are entitled to their free speech, but that officials need to distinguish between their private opinion as an individual v. the opinion of the body they serve with.
 - 25-4B(6) – Review of nepotism provisions (Paulhus).
 - Board provided overview of proposed language regarding nepotism and the waiver process.
 - 25-4B(4) – Clarification for political solicitation. Makes sense to extend to municipal employees, but not to elected officials or other officials (Haddad).
 - 25-4C(6)a – There should be high public grounds for requiring disclosure of officials and employees. Why candidates for political office? Why political party committee officers (Haddad)?
 - Board responded that this provision is meant to be proactive (to avoid potential issues) as opposed to reactive.
 - 25-4C(6)b – Should personal interest be replaced with conflict of interest in the recusal provision (Kochenburger)?
 - Conflict of interest should clearly address/define the ability of officials and employees to serve on multiple committees or boards.
- Sections 25-5, 25-6, 25-7, 25-8 – no discussion.
- Section 25-9A – add “employee” - to be last word in sentence.
- Next Steps:
 - Ethics Board to make further recommendations based on discussion at 1/7/10 joint meeting and submit to Personnel Committee
 - Personnel Committee takes over review of the Ethics Code; may seek consultation from the Board from time to time on particular issues.
 - After Personnel Committee and legal review, an endorsed version is submitted to the Council as a whole for review and consideration.

II. ADJOURNMENT

The meeting adjourned at 6:03 pm.

Respectfully Submitted,
Maria E. Capriola, Assistant to Town Manager